

REMARKS/ARGUMENTS

Claims 1 – 18 have been canceled. New claims 19 – 35 have been added.

35 U.S.C. § 102(e) Rejections

Examiner rejected claims 1-18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,108,697 (hereinafter "Raymond"). The applicant submits that new claims 19 – 35 are in condition for allowance and offers the following arguments in defense of his position.

Raymond first discloses various conventional methods for installing identical software packages on a number of computers. One of these methods requires multiple computers to independently download a software image from a server over a network connection. This approach, in which the image is transmitted once for every computer, may result in decreased speed as the computers consume the network's available bandwidth (See column 3, lines 14-28). Another approach avoids the bandwidth limitation by requiring all the computers to store the image as it is transmitted over the network only once. This approach requires that all of the computers start and finish downloading the image at the same time, which prevents overlapping of subsequent dependent tasks (See column 3, lines 37-43).

Raymond then discloses a method for installing identical software packages on a number of computers that conserves bandwidth while allowing the computers to start and finish downloading the image at different times. In this new method, the server transmits the image repeatedly so that when a

computer begins listening to a transmission of the image at an arbitrary time, the computer can simply continue listening to the next repetition until it has received the entire image (See column 3, line 66 - column 4, line 8).

New claim 19 of the present invention relates to server having "a transmitter for broadcasting on the computer communication network a request to restore a server payload". New claim 25 describes a corresponding method including a similar limitation of "broadcasting a request to restore the server payload".

New claim 19 also requires "detecting a need for restoring the server payload". New claim 25 similarly requires "detecting a need for restoration of a server payload after an initial server payload has been installed".

To establish lack of novelty under 35 U.S.C. § 102(e), the prior art reference must teach all limitations of the claim at issue. By this standard, new claims 19 and 25 are allowable over Raymond because the Raymond fails to teach all limitations of these claims.

Raymond fails to teach "broadcasting on the computer communication network a request to restore a server payload", as required by new claims 19 and 25. In describing a request mechanism, Raymond teaches that "transmission may be started automatically by the agent 224 in response to a request from one or more downloading computers" (See column 9, lines 8-10) but does not suggest that such a request could be a broadcast request. Raymond further suggests that "UNIX-style signals, remote procedure calls, remote message interfaces, events, and other familiar mechanisms may be used to request or require that the agent initiate transmission" (See column 9, lines 10-12). Notably absent from this list is any mention of a broadcast request mechanism, such as is required by new claims 19 and 25. Since Raymond fails to describe any broadcast request

mechanism and further fails to describe "broadcasting on the computer communication network a request to restore a server payload", Raymond fails to anticipate this limitation of new claims 19 and 25.

Raymond also does not teach "broadcasting on the computer communication network a request to restore a server payload... in response to detecting a need for restoring the server payload", as required by new claim 19, nor does Raymond teach "detecting a need for restoration of a server payload", as required by new claim 25. Raymond only teaches that "users sometimes need to transfer a disk image from one location to several locations" (See column 5, lines 28-29) but does not suggest that the transfer of such a disk image is related to "restoring a server payload" (See new claim 19) or a "need for restoration" (See new claim 25). Thus, Raymond further fails to teach "broadcasting... in response to detecting a need for restoring the server payload" (See new claim 19) and "detecting a need for restoration of a server payload" (See new claim 25). Raymond therefore fails to teach this limitation of new claims 19 and 25.

Since Raymond fails to teach or suggest all limitations of new claims 19 and 25, new claims 19 and 25 are allowable over Raymond in accord with 35 U.S.C § 102(e).

Claims 20 - 24 add further limitations to allowable claim 19 and claims 26 - 35 add further limitations to allowable claim 25. Claims 20 - 24 and 26 - 35 are therefore also allowable over the cited prior art.

CONCLUSION


Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Adam Furst at (408) 947-8200.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: August 17, 2005


Adam Furst
Reg. No. 51,710

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 947-8200